

FILED

JUN 29 2007

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

Honorable Judge Martin J. Jenkins
UNITED STATES DISTRICT JUDGE
450 Golden Gate Avenue
San Francisco, California 94107

Re: Harvey v. City of Oakland -- Case No. C07-¹⁶⁸¹~~0681~~ MJ

Dear Honorable Judge Jenkins:

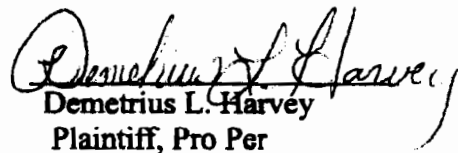
I am writing this letter in response to the Court's Order to Show Cause from the Plaintiff for not responding to Defendant's Motion to Dismiss and Motion for a More Definite Statement.

The following information provides the court on why the Plaintiff has not responded:

1. I am presently incarcerated and hope to be out soon.
2. Can not properly research issues while incarcerated
3. The complexity of the case.
4. The number of Respondents/Defendants
5. Under Federal Rules of Civil Procedures, Rule 6 allows for enlargement of time.
6. Under Federal Rules of Civil Procedures, Rule 15(a) allows for amendment(s) by consent of the parties or the court can grant a leave to amend a complaint; "and leave shall be freely given when justice so requires."

I request the court to grant the Plaintiff forty-five (45) days from the date of this letter to amend Complaint. It is anticipated that this will resolve most of the issues in the original Complaint.

June 27, 2007


Demetrius L. Harvey
Plaintiff, Pro Per

**Proof Of Service
Harvey vs. City of Oakland
Case No. C07-01681 MJJ**

I am a resident of the State of California, over the age of 18 years, and not a party to this action. My resident is 1811 So. Baird Ct., Fresno, Ca. 93702. On the date shown below, I served the within document:

LETTER DATED JUNE 27, 2007 TO HONORABLE JUDGE JENKINS

XX by transmitting via facsimile the document listed above to the fax number, on this date before 5:00 p.m.

**Edward Butler, Deputy Clerk
for Honorable Judge Jenkins
450 Golden Gate Avenue, 19th Floor
San Francisco, Ca 94102
Fax : (415) 522-3605**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 28 2007, at Fresno, California.


Mattie Williams

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIUS L. HARVEY,
Plaintiff,

Case Number: CV07-01681 MJJ

CERTIFICATE OF SERVICE

v.

CITY OF OAKLAND et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 3, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Demetrius Harvey
360 So Helm Avenue
Fresno, CA 93727

(Plaintiff's Motion)

Rachel Wagner
Office of the City Attorney, Oakland
One Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612

Dated: July 3, 2007



Richard W. Wieking, Clerk
By: Edward Butler, Deputy Clerk